

**TOWNSHIP OF BERKELEY HEIGHTS  
UNION COUNTY, NEW JERSEY  
COUNCIL MEETING HELD OCTOBER 20, 2015**

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**CALL TO ORDER**

At 7:12 p.m., The Mayor called the meeting to order and stated that adequate notice of this meeting has been provided by posting the same on the bulletin board of Town Hall and forwarding a copy to the Courier News and Star Ledger at least forty-eight hours prior to the meeting, all in accordance with the Open Public Meetings Act. This meeting will not go substantially past 10:30 p.m.

**ROLL CALL**

Mr. Delia, Mr. Faecher, Mr. Hall, Mrs. Kingsley, Mr. Pastore, Mr. Pirone and the Mayor answered present. Also present was Township Administrator John Bussiculo and Township Clerk Ana Minkoff. Attorney Joshua Zielinski arrived to the dais at 7:33 p.m.

**FLAG SALUTE**

The Mayor asked everyone present to stand as he led the Flag Salute.

The Mayor asked that the record reflect Mr. Hall's entry onto the dais.

The Mayor announced that we would move to Township Council Reports.

**TOWNSHIP COUNCIL REPORTS**

**Mr. Delia** – Mr. Delia said that the only thing he “had” he would defer to our Administrator (that is an issue on the River.)

**Mr. Faecher** – Mr. Faecher spoke about the Summit Road residents' visit to the last Township Council meeting and the parking issue (i.e., regarding the adopted ordinance which specified no parking on the right side of the road; and time restricted parking on the left side.) Mr. Faecher conducted some follow up work which included speaking to Mr. Einbinder, reviewing the Harbor traffic study, reviewing the police recommendations, speaking with Chief DiPasquale, speaking with Mr. Mistretta of Harbor Consultants, and speaking with Mr. Sordillo. Mr. Faecher proposed that we leave the no parking restriction portion of the ordinance in place, for now. In regards to the time restricted piece of the ordinance, Mr. Faecher stated that it was more a quality of life issue. He also stated that it was enacted to be consistent with the rest of the neighborhood. Mr. Faecher recommended 1) not taking the sign posts down, for now; 2) don't put the signs up (which Mr. Faecher stated he understood we are allowed to do,) and thereby don't enforce that quality of life issue. He then suggested we wait until the Spring to see what happens (when historically parking becomes worse.)

Discussion ensued. Mrs. Kingsley asked about sign placement. More discussion took place (the Mayor, Lieutenant Deitch, Mr. Faecher, Mrs. Kingsley, Chief DiPasquale.) Further discussion ensued regarding 1) keeping the ordinance as is; 2) if the signs are up, the signs must be enforced; 3) not putting the signs up; 4) no parking on one side; 3) and for now, getting rid of the time restricted parking.

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The Mayor asked for comments on Mr. Faecher's proposal. Mr. Pirone stated that he agreed. Mr. Hall observed that if we are going to create an environment that each street is entitled to develop its own interpretation -- He asked who makes that determination on behalf of the Township. Mr. Hall stated that he doesn't have a problem with the sentiment of what was said – but with the management of it. Mr. Faecher suggested we defer to the professionals (i.e., police and traffic professionals.) A lengthy discussion ensued. Mrs. Kingsley asked for the police to look at the amount of sign poles which are on Summit Road. She also asked if there could be fewer poles.

**Mr. Hall** – Mr. Hall had nothing to report.

**Mr. Pirone** - Mr. Pirone had nothing to report.

**Mr. Pastore** – Mr. Pastore spoke about the ordinance to change the name of the Memorial Park to Veterans Memorial Park. Mr. Pastore stated that the Committee had been working hard and recently received a \$55,000 grant (matching.) He discussed the progress of matching the needed funds as well as other grant and fundraising efforts including a December 3<sup>rd</sup> Voices in Praise event at the Westminster Presbyterian Church. Mr. Pastore stated that a vote tonight would be taken to allow the Committee to start a project (with the money thus collected.) He spoke about the Veteran's Day 8 a.m. ceremony (Wednesday, November 11<sup>th</sup>.) Mr. Pastore stated that people interested in donating could go to "BHMemorialPark.com."

The Mayor spoke about the December 3<sup>rd</sup> fundraising effort and stated that last year's event was tremendous and said he was looking forward to it.

**Mrs. Kingsley** – Mrs. Kingsley had nothing to report.

## **ADMINISTRATION REPORTS**

**Mayor Woodruff** - spoke about 1) attending the car show this past Sunday. He stated that it is a great event; 2) attending the 20<sup>th</sup> anniversary of the YMCA. He stated that it was a nice event—the YMCA hosted about 50 or 60 people.

**Mr. Bussiculo** – Mr. Bussiculo reported about: 1) DPW – 28 tons of patch on potholes were completed; 119 miles of sweeping on roads occurred; they picked up another 94 cubic yards of sweepings; chipping update; catch basin repairs update; curb repair update; Debbie Place 10 foot section street replacement; stream cleaning update – it will begin this week; training course update; the gate at the DPW has been replaced; New Jersey Transit has no plans on replacing the pavement near the railroad tracks by Snyder (per Mr. Delia's question;) The "Brine" is up and running; 2) Engineering Department – the 2016 Municipal Aid Grant application has been submitted to NJDOT; we were awarded a grant for \$5,000, for Union County preservation for Lord Littell; we are reviewing the bids for the Stainless Steel Dump Body (October 16<sup>th</sup> Bid Opening;) proposals were received (for October 23<sup>rd</sup>) for the Engineering work for the Snyder Avenue (between Mountain and Hamilton) grant; residential bulk clean up, leaf collection and chipping updates; we are working with Morris County Co-Op on road painting; Passaic River Update (the surveying was done today;) Building Department number of applications (84) and permits issued (51;) Fee Collection update; 3) We did receive the report on the Fire Department Equipment. Mr. Bussiculo offered to email it to anyone who would like to read it. Mr. Bussiculo met with the Fire Chief today and stated that they learned something from the report. He gave an overview of the report including a) the maintenance findings; b) specific vehicle status and action plan, and c) pumping capacity requirements (we far exceed the requirement;) 4) Reverse Alerts; We are meeting with the County about this. If the

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County program isn't what we want then we will go to an outside vendor (he reached out to local administrators for feedback.)

The Mayor asked for the cost of the Fire Department report. Mr. Bussiculo responded that it was in the neighborhood of \$3,500. Mr. Bussiculo spoke about a Co-op for Fire equipment (based on a conversation with the New Providence Administrator.) Mr. Bussiculo and the Mayor discussed going out to bid and moving quickly.

The Mayor spoke about last meeting's Township Council's acceptance of the Planning Board Decision that three separate properties would be declared redevelopment (naming Hamilton, Library, and the Snyder Drive area.) The Mayor spoke about the property adjacent to the Sewer Plant. He noted that at the last meeting, he and others stated that no decision had been made and elaborated. The Mayor spoke about a prior administration's recommendation in 2008 regarding this property, i.e., they made a representation to the COAH officials that the property would be used to address its COAH responsibilities. The Mayor furthered to abandon "that" would potentially cause us credibility issues with respect to current litigation in Union County. The Mayor stated that the representation and submittal which will be going to the Court this Thursday, indicating the areas of redevelopment, would not include the area near the Sewage plant (but will include the other two areas, i.e., the Hamilton and the Library.) He further elaborated on this decision.

Attorney Joshua Zielinski arrived to the dais at 7:33 p.m.

Moved by Mr. Pirone to accept and approve the Township Council and Administration Reports, seconded by Mr. Hall and upon roll call vote.

Ayes: Mr. Delia, Mr. Faecher, Mr. Hall, Mrs. Kingsley, Mr. Pastore and Mr. Pirone  
Nays: None  
Abstain: None  
Absent: None

The Mayor stated that with the appearance of Counsel, they would get back to the scheduled Agenda.

**CONFERENCE SESSION -**

1. YMCA Presentation
2. Park Avenue Redevelopment Discussion
3. Best Practices Discussion

Paul Kieltyka of the Summit YMCA identified himself as the President and CEO of the Summit YMCA. He noted the irony of celebrating their 20<sup>th</sup> anniversary tomorrow; he stated that they were at a crossroads. He stated that he would give an overview of what the YMCA has accomplished in the past 20 years and would identify what their vision is for the future. Mr. Kieltyka spoke about leasing the building at the YMCA for the last 20 years. He spoke about the wellness and the child care centers (they are the primary business centers.) He stated that the YMCA had served thousands and thousands of residents. He elaborated. He spoke about their business model. Mr. Kieltyka spoke about their efforts to relocate (unsuccessful) within Berkeley Heights and their efforts to relocate outside of Berkeley Heights. Mr. Kieltyka stated that they are committed to staying in Berkeley Heights, but not at their current location. Mr. Kieltyka stated that they learned about two parcels of property at 240 Snyder (Snyder Park) during the past summer. He spoke about the Township's plan to build a Community Center there 8 or 9 years

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ago. He spoke about a proposed building location there. Mr. Kieltyka stated that he stood before Council for one thing. He elaborated on needed steps. Mr. Kieltyka requested an 18 month time period to complete diligence and hopefully, to come back with a positive verdict, i.e., “this can work.” He recommended a memo of understanding during this time, i.e., the Township will be willing to lease this property to the YMCA. He referenced his proposal which includes a memo of understanding for a 50 year lease for \$15,000 with acreage specifications (and referenced a previous proposed lease with the Hamilton property.) Mr. Kieltyka recognized one major flaw: the lack of parking. Mr. Kieltyka spoke about the proposed building features: 1) Wellness Center (important for our business component;) 2) full size gymnasium; 3) child care component; and 4) multi- purpose space. Mr. Kieltyka spoke about the YMCA collaborating with the community. He stated that the YMCA currently gives over \$650,000 to the community every year (via direct and indirect financial assistance.) He spoke about their mission to serve the community and furthered the building would allow them to expand the mission. He said they are interested in expanding their membership also and spoke about the “hit” they received from the “for-profits” a couple years ago. He elaborated briefly.

The Mayor asked about the gymnasium and the collaboration with the Township. Mr. Kieltyka responded. Mr. Faecher thanked Mr. Kieltyka for the presentation and materials. He asked Mr. Kieltyka if the lease was a ground lease and how the figure of \$15,000 was arrived. Mr. Kieltyka responded. Potential membership fees were discussed. Use of the current land was discussed. Gym space for the PAL was discussed. Parking capacity was discussed, including parking trends at the YMCA now. Mr. Kieltyka spoke about contacting the County as to whether the lot could be shared. Mr. Hall thanked Mr. Kieltyka for his presentation and spoke about his support for the YMCA. Mr. Hall spoke about the proposed location (i.e., it makes sense to consider this.) He also commented on the senior needs (i.e., it wouldn't compete with redevelopment;) the parking problems in the Township and proposed parking requirements for the YMCA. Mr. Hall suggested a traffic study, as well as using certain language moving forward with negotiations. Overall, Mr. Hall stated that this is a good program, he welcomes the analysis and research, and there are some hurdles. Mr. Pirone asked why there were not spots to the left of the building. Mr. Kieltyka responded. The Mayor asked Mr. Mistretta to comment on this issue as he had studied this area. Mr. Mistretta elaborated on his knowledge of the area and resources. Mrs. Kingsley stated that she was a supporter of the YMCA. She noted that this was the first time that use of this property had come in front of Council and she cautioned the Council to “sole source” this and elaborated. Mr. Hall recommended that we don't commit to anything at this stage. Mr. Faecher stated that he would love the YMCA to stay here. He noted that we have fiduciary obligations to the Town and perhaps the next steps would be to do an RFP-type document for the area to garner if there is interest. Mr. Faecher recognized that they have time and business issues. A lengthy discussion ensued regarding a possible RFP process (Mr. Pirone, Mr. Faecher, the Mayor, Mr. Hall, Mrs. Kingsley.) The Mayor spoke about “seeing if there was flavor here” to authorize them to look at documents and if needed, to do testing on the property.” He suggested that in the meantime we take the steps to determine appropriate steps (i.e., bid disclosure) to any other interested property. Mr. Hall suggested that the Council authorize the YMCA to do preliminary investigation on that property with the understanding that the Township is reserving its rights. Mr. Pirone stated that he was shocked. He spoke about the lease which was written for a different piece of municipal property that didn't have anything on it. Discussion ensued on why this property was different (Mr. Hall and Mrs. Kingsley.) Mr. Hall stated that the Council reserves the right to take a different approach. Mr. Faecher stated that he didn't sign up for “that.” Mr. Pirone suggested that we vote. Mr. Hall suggested we expedite the process and follow up this discussion formally at the next meeting. The Mayor reiterated the proposal suggested by Mr. Hall: the YMCA can do necessary property testing and to obtain needed documents as a potential lessee (land lease.) The Mayor stated that the Township reserves to right to look into whether this is a RFP circumstance, and at the same time, the Township will move expeditiously. Mr. Faecher and Mr. Bussiculo both said they would work on this. The Mayor and Township Council voted Aye in favor (unanimous.)

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The Mayor asked if Mr. Hall had the introduction for the next Conference topic. Mr. Hall responded that he did. Mr. Hall provided an overview of recent redevelopment steps at Park Avenue and described what the redevelopment plan was (i.e., an action plan.) Mr. Hall spoke about the upcoming work sessions and their purpose. Mr. Hall stated that tonight's work session would focus exclusively on Park Avenue. He stated that the Library property would be discussed on November 10<sup>th</sup> and the Hamilton campus property will be discussed on December 15<sup>th</sup>. He stated that the goal tonight was to have an open dialogue as well as to give comments and thoughts to our planner (as he will be drafting the redevelopment plan.) Mr. Hall stated that the plans will ultimately be presented at a hearing and the hearings are expected begin in February. Mr. Hall stated that each hearing will be dedicated to a property. Mr. Hall stated that if the plans are adopted, then they will constitute the redevelopment plan. Mr. Hall asked the planner to come up with a redevelopment plan for beginners (Mr. Hall handed out such paper work.) Mr. Hall said the document will help us understand what we are trying to accomplish. He further explained the handouts, the process and tonight's discussion.

Mr. Yellin asked about the Memorandum of Understanding expiration of November 30<sup>th</sup>. Mr. Hall responded that there are two different dynamics going on: 1) the current negotiations with Little Flower Parish with regards to the treatment of these properties; and 2) the redevelopment plan for all of these possibly affected properties and how these calendars compete and conflict with each other. Mr. Hall stated that it was important to note that these are work sessions and elaborated. Mr. Hall spoke about the Little Flower MOU process and stated that our attorneys are working with their attorneys feverishly (as Little Flower has asked that there be no opportunity for an extension) and elaborated. Mr. Sincaglia asked whether it would require more than one meeting. Discussion ensued.

Mr. Michael Mistretta presented drawings for Park Avenue (options B and C.) He gave a review of previous presentations and feedback received. He spoke about the features of options B and C. Mr. Pirone noted that a drawing was slightly different. Mr. Mistretta responded that the drawings had been updated for tonight's meeting. Discussion ensued on the parking space updates and the green space markings. Mr. Mistretta stated that a formal presentation would take place in February. Mr. Mistretta referred to his handout, specifically the steps outline. Mr. Mistretta said that what he was trying to talk about tonight was to get a sense from the Council, Mayor and the public about what should be in this plan. Mr. Mistretta referred to his handout (the redevelopment checklist) and elaborated in length about the redevelopment plan, the proposals and the process. Mr. Mistretta spoke about the possibility of incorporating green building design standards into this document. Mr. Faecher asked about the viability of solar inclusion. Discussion ensued. Mr. Mistretta spoke about one series of signage used throughout the building. He also spoke about items which will be addressed, specifically lighting, landscaping, and zoning. Mr. Mistretta spoke about demolition and relocation as it relates to the Park Avenue property. Mr. Mistretta spoke about regulatory approvals. Mr. Mistretta said he was very interested in hearing feedback from the governing body and from the public regarding their wishes and what they think is important and elaborated.

Mr. Faecher stated that this is an extensive list and most of it relates to the construction of the new main municipal facility. He asked if it made sense to have a separate break out item for the DPW and elaborated. Mr. Mistretta replied that it was a great comment and elaborated. Mr. Bussicula asked about Option C. Mr. Mistretta responded and elaborated. Mr. Bussicula asked, based on the shape of the lot that we are working with, does one make better use of the land than the other. Mr. Mistretta stated that in his opinion Option C is a terrific plan and addresses all of the major concerns. He recommended landscaping and a fence along the L shape of the parking lot (to further protect the residents.) Mr. Hall asked at what point do we discuss the build out of the interior. A lengthy discussion ensued which included architecture and square footage topics. Mr. Mistretta stated that everyone should feel

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comfortable with what this building is going to look like from a building elevation stand point, including every general component. Further discussion ensued.

The Mayor opened up the discussion to the public.

Mr. Bruce Mustacchi of 174 Princeton Avenue asked about the square footage of the green space in front of the building as well as the interior construction of the property (i.e., are the costs included in the estimate.) A brief discussion ensued.

Mr. Gerald Kuzmick of Eaton Court asked about a timeline. A lengthy discussion ensued about the steps and needed actions.

A woman asked if this was going to be the only workshop session and acknowledged that she may have missed that. Discussion ensued that there may be more as well as hearings in February (Mr. Hall.)

A man from 67 Riverbend Road asked what would take the longest to get done. Discussion ensued. More discussion ensued regarding Berkeley Avenue.

Mr. Foregger asked about the Planning Board receiving the report. Discussion ensued.

The Mayor asked Mr. Mistretta if the redefined C was his recommendation as a professional planner as the direction to which the Council should go. Mrs. Kingsley asked what Mr. Mistretta needed from us, i.e., permission to go forward. Mr. Mistretta answered “correct.” Further discussion ensued regarding the framing of the building. Mr. Foregger asked about the public hearings in February and the plan being sent to the Planning Board before the hearings. Discussion ensued. Mr. Yellin asked about the hearings and suggestions which may be made, and whether these suggestions had to go back to the Planning Board. A brief discussion ensued.

The Mayor asked Ms. Minkoff to take a vote regarding Mr. Mistretta going ahead relative to refined C. Further discussion ensued regarding a checklist.

Mr. Delia asked if we could be specific as to what we were voting on. He said that it wasn't in writing. The Mayor stated that we are giving Mr. Mistretta the authority to move forward with respect to the preparation of the redevelopment plan in specific as regards the document on the left, which is commonly referred to as Plan C.

Upon roll call vote:

Ayes: Mr. Delia, Mr. Faecher, Mr. Hall, Mrs. Kingsley, Mr. Pastore and Mr. Pirone.  
Nays: None  
Abstain: None  
Absent: None

The Mayor thanked Mr. Mistretta for his efforts and announced that Mr. Marceau would address the Best Practices discussion.

Mr. Marceau explained “Best Practices” (a checklist and how it relates to New Jersey State Aid payments.) He stated that on this year's check list, we scored a 42 out of 50 (100%) and he elaborated. The Mayor asked if the members of the Public had any questions. Mr. Foregger asked what items we lost points on. Mr. Marceau responded with a few ways we lost points: 1) an up to date municipal website; 2)

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must achieve a number 9 with FEMA's rating system; 3) our assessed values are below the ratio of 65% and we have not done a re-assessment. Further brief discussion ensued.

The Mayor stated that the Connection (a group of local business people) would like to make a proposal to the Council. The Mayor disclosed that he met with many of these business owners about a month ago.

The Connection representative stated their mission statement. She mentioned names of businesses who support them. Discussion ensued. The Mayor asked about the "Walk". The Connection representative spoke about the proposed walk and said it would be in conjunction with the Christmas Tree lighting. The representative asked support from the Township to promote this event as well as support for funds to have Police Officers stationed at the crosswalks on Springfield Avenue between Snyder and Plainfield Avenues between the hours of 5:30 to 9:30. The projected estimate to cover these expenses is \$2,500. A discussion regarding details of the walk ensued. The Mayor stated that we support it and it is a great idea.

**APPROVAL OF MINUTES**

Moved by Mr. Hall to approve the following minutes, seconded by Mrs. Kingsley and upon roll call vote:

**Public Meeting – October 6, 2015**

Ayes: Mr. Delia, Mr. Faecher, Mr. Hall, Mrs. Kingsley, Mr. Pastore and Mr. Pirone  
Nays: None  
Abstain: None  
Absent: None

**HEARING ON AGENDA ITEMS ONLY**

Moved by Mr. Hall to open the Hearing on Agenda Items Only, seconded by Mr. Pastore and upon roll call vote:

Ayes: Mr. Delia, Mr. Faecher, Mr. Hall, Mrs. Kingsley, Mr. Pastore and Mr. Pirone  
Nays: None  
Abstain: None  
Absent: None

The Mayor announced that Mrs. Kingsley would be the timekeeper.

Ms. Stephanie Bakos announced that the Rotary Club Pancake Breakfast would be held on November 7<sup>th</sup> and included details of the event.

Hearing no voices, moved by Mr. Hall to close the Hearing on Agenda items, seconded by Mr. Pirone and upon roll call vote:

Ayes: Mr. Delia, Mr. Faecher, Mr. Hall, Mrs. Kingsley, Mr. Pastore and Mr. Pirone  
Nays: None  
Abstain: None  
Absent: None

**PUBLIC HEARING AND FINAL ADOPTION OF ORDINANCES INTRODUCED ON  
OCTOBER 6, 2015:**

The Clerk presented and read:

**“An Ordinance of the Township of Berkeley Heights, County of Union, State of New Jersey, Amending, Revising and Supplementing Title 2 Entitled “Administration and Personnel” of *The Code of the Township of Berkeley Heights* to Create New Chapter 2.95 Entitled “Memorial Park Renewal Committee” to create and establish an advisory committee to assist the Township with the renewal, restoration and maintenance of the Township’s Memorial Park.”**

Moved by Mrs. Kingsley to open the public hearing on the ordinance as read by the Township Clerk, seconded by Mr. Pastore and upon roll call vote:

Ayes: Mr. Delia, Mr. Faecher, Mr. Hall, Mrs. Kingsley, Mr. Pastore and Mr. Pirone  
Nays: None  
Abstain: None  
Absent: None

Ms. Carol Matula of 5 Hastings Road asked why this Committee was being expanded. Mr. Pastore responded “the more people, the better.” Discussion ensued.

Hearing no voices, moved by Mrs. Kingsley to close the public hearing on the ordinance as read by the Township Clerk, seconded by Mr. Hall and upon roll call vote:

Ayes: Mr. Delia, Mr. Faecher, Mr. Hall, Mrs. Kingsley, Mr. Pastore and Mr. Pirone.  
Nays: None  
Abstain: None  
Absent: None

Moved by Mrs. Kingsley that the ordinance as read by the Township Clerk and hearing held hereon is adopted on final passage and the Township Clerk is directed to advertise it in the Courier News, seconded by Mr. Pastore and upon roll call vote:

Ayes: Mr. Delia, Mr. Faecher, Mr. Hall, Mrs. Kingsley, Mr. Pastore and Mr. Pirone  
Nays: None  
Abstain: None  
Absent: None

**RESOLUTIONS**

**Mr. Delia introduced the following resolution:**

1. Resolution approving Bill List dated October 20, 2015 in the amount of \$306,011.42.

Moved by Mr. Delia to approve resolution #1, seconded by Mrs. Kingsley and upon roll call vote:

Ayes: Mr. Delia, Mr. Faecher, Mr. Hall, Mrs. Kingsley, Mr. Pastore and Mr. Pirone.  
Nays: None  
Abstain: None  
Absent: None

**Mr. Faecher introduced the following resolution:**

2. Resolution approving the Corrective Action Plan and authorizing the Chief Financial Officer to implement such plan.

Moved by Mr. Faecher to approve resolution #2, seconded by Mr. Pastore and upon roll call vote:

Ayes: Mr. Delia, Mr. Faecher, Mr. Hall, Mrs. Kingsley, Mr. Pastore and Mr. Pirone.  
Nays: None  
Abstain: None  
Absent: None

**Mr. Hall introduced the following resolution:**

3. Resolution adopting the Certification of the Annual Audit for the year 2014.

Moved by Mr. Hall to approve resolution #3, seconded by Mr. Pastore and upon roll call vote:

Ayes: Mr. Delia, Mr. Faecher, Mr. Hall, Mrs. Kingsley, Mr. Pastore and Mr. Pirone.  
Nays: None  
Abstain: None  
Absent: None

**CONSENT AGENDA –**

All matters listed under Consent Agenda are considered routine by the Township Council and will be enacted upon by one motion; there will be no separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.

Mr. Faecher asked that we remove 4.C.1 as the residents were his neighbors.

**Mr. Pastore introduced the following resolutions:  
(4. a-d)**

- a. Resolution removing Jon Scribner, 31 Snyder Road, from the active duty roster of the Berkeley Heights Volunteer Fire Co.

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- b. Resolution authorizing a block party at Cornell Avenue on October 31, 2015 from 1:00 to 6:00 p.m.
- c. Resolution authorizing the Tax Collector to refund the following third quarter 2015 tax overpayment:
  - 1. Wilson H. & Marion J. McGough      100 Emerson Lane      \$1,801.29
- d. Resolution authorizing Garden State Fireworks to hold a fireworks display at Snyder Avenue Park on October 30, 2015 from 8:45 to 9:10 p.m. for a Berkeley Heights Youth Soccer Club game.

Moved by Mr. Pastore to approve resolution #4a, b and d, seconded by Mr. Hall, and upon roll call vote:

Ayes: Mr. Delia, Mr. Faecher, Mr. Hall, Mrs. Kingsley, Mr. Pastore and Mr. Pirone  
Nays: None  
Abstain: None  
Absent: None

Moved by Mr. Pastore to approve resolution #4c, seconded by Mr. Pirone, and upon roll call vote:

Ayes: Mr. Delia, Mr. Hall, Mrs. Kingsley, Mr. Pastore and Mr. Pirone  
Nays: None  
Abstain: Mr. Faecher  
Absent: None

**Mrs. Kingsley introduced the following resolution:**

- 5. Resolution authorizing the completion of the Initial Improvements at Memorial Park via the funds raised by, and at the direction of, the Committee.

Moved by Mrs. Kingsley to approve resolution #5, seconded by Mr. Pastore and upon roll call vote:

Ayes: Mr. Delia, Mr. Faecher, Mr. Hall, Mrs. Kingsley, Mr. Pastore and Mr. Pirone.  
Nays: None  
Abstain: None  
Absent: None

**Mr. Pastore introduced the following resolution:**

- 6. Resolution authorizing the Township's dedication and renaming of the Memorial Park to the Veterans Memorial Park.

Moved by Mr. Pastore to approve resolution #6, seconded by Mrs. Kingsley and upon roll call vote:

Ayes: Mr. Delia, Mr. Faecher, Mr. Hall, Mrs. Kingsley, Mr. Pastore and Mr. Pirone.  
Nays: None  
Abstain: None  
Absent: None

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**Mr. Pirone introduced the following resolution:**

7. Resolution authorizing the release of a cash bond in the amount of \$6,289.20, to Evelyn & William Keyes, for work performed at Treetop Court, Block 3201, Lot 6 & 7

Moved by Mr. Pirone to approve resolution #7, seconded by Mrs. Kingsley and upon roll call vote:

Ayes: Mr. Delia, Mr. Faecher, Mr. Hall, Mrs. Kingsley, Mr. Pastore and Mr. Pirone.  
Nays: None  
Abstain: None  
Absent: None

**CITIZENS HEARING**

Moved by Mr. Faecher to open the Citizens hearing, seconded by Mr. Pastore, and upon roll call vote:

Ayes: Mr. Delia, Mr. Faecher, Mr. Hall, Mrs. Kingsley, Mr. Pastore and Mr. Pirone.  
Nays: None  
Abstain: None  
Absent: None

The Mayor reminded all that Mrs. Kingsley would be the timer.

Ms. Matula stated that she understood that a deer was shot at Hastings and Greenbriar and the deer is still there and she wondered when the Township would remove it. A brief discussion ensued. Mr. Bussiculo stated he would check on it the next day.

Mr. Stephen Yellin of 130 Dogwood Lane reminded the public that Election Day will be on Tuesday, November 3<sup>rd</sup> and he elaborated.

Hearing no voices, moved by Mr. Faecher to close the Citizens Hearing, seconded by Mrs. Kingsley and upon roll call vote:

Ayes: Mr. Delia, Mr. Faecher, Mr. Hall, Mrs. Kingsley, Mr. Pastore and Mr. Pirone.  
Nays: None  
Abstain: None  
Absent: None

**EXECUTIVE SESSION –**

**1. Attorney/Client Privilege- Litigation- Affordable Housing**

Moved by Mrs. Kingsley to go into Executive Session, seconded by Mr. Pastore and upon roll call vote:  
**(9:42 p.m.)**

Ayes: Mr. Delia, Mr. Faecher, Mr. Hall, Mrs. Kingsley, Mr. Pastore and Mr. Pirone  
Nays: None  
Abstain: None  
Absent: None

The Mayor reminded all that they would be coming out of Executive Session, only to adjourn.

Moved by Mrs. Kingsley to go out of Executive Session, seconded by Mr. Pastore and upon roll call vote:  
**(10:14 p.m.)**

Ayes: Mr. Delia, Mr. Faecher, Mrs. Kingsley, Mr. Hall, Mr. Pastore and Mr. Pirone  
Nays: None  
Abstain: None  
Absent: None

**ADJOURNMENT**

Moved by Mr. Delia to adjourn, seconded by Mrs. Kingsley and upon roll call vote:  
**(10:15 p.m.)**

Ayes: Mr. Delia, Mr. Faecher, Mrs. Kingsley, Mr. Hall, Mr. Pastore and Mr. Pirone.  
Nays: None  
Abstain: None  
Absent: None

**Approved: November 10, 2015**